

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	COMPLAINT
CABARRUS MEMORIAL HOSPITAL d/b/a)	
NORTHEAST MEDICAL CENTER,)	JURY TRIAL DEMAND
)	
Defendant.)	
_____)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of race, and to provide appropriate relief to Jackson A. Davies III, who was adversely affected by such practices. Specifically, the Equal Employment Opportunity Commission alleges that Mr. Davies was discharged from his employment because of his race, African-American.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”).
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of

Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Cabarrus Memorial Hospital d/b/a NorthEast Memorial Hospital ("Defendant"), has continuously been a North Carolina corporation doing business in the state of North Carolina and the city of Concord, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jackson A. Davies III filed a charge with the EEOC alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. In or around August 2005, Defendant engaged in unlawful employment practices at its Concord facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Defendant fired Mr. Davies, who is African American, because of his race, for allegedly making untruthful statements during an investigation into a missing computer component. At the time of his discharge, Mr. Davies was a member of a protected class, African-American, and was meeting Defendant's legitimate expectations. Upon information and belief, Mr. Davies was replaced by a white employee. Moreover, Defendant did not terminate one or more similarly-situated white employees who engaged in the same or similar conduct as that which Mr. Davies allegedly engaged in.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mr. Davies of equal employment opportunities and otherwise adversely affect his status as an employee because of his race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 were done with malice or with reckless indifference to Mr. Davies' federally protected rights.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates against African Americans on the basis of race.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for African Americans, and that eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Jackson A. Davies III, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful reinstatement of Mr. Davies.

D. Order Defendant to make whole Jackson A. Davies III, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search expenses and front pay, in amounts to be determined at trial.

E. Order Defendant to make whole Jackson A. Davies III, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional distress, inconvenience, loss of enjoyment of life, violation of civil rights, and humiliation caused by Defendant's discrimination, in amounts to be determined at trial.

F. Order Defendant to pay Jackson A. Davies III, punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its Complaint.

Respectfully Submitted,

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L Street, N.W.
Washington, D.C. 20507

s/ Lynette A. Barnes
LYNETTE A. BARNES (N.C. Bar No. 19732)
Regional Attorney

s/ Tina Burnside
TINA BURNSIDE (WI Bar No. 1026965)
Supervisory Trial Attorney

s/ Darrell E. Graham
DARRELL E. GRAHAM (MN Bar No. 290890)
Trial Attorney
email: darrell.graham@eeoc.gov
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202
Phone: (704) 344-6885
Fax: (704) 344-6780